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Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on proposals for constitutional change in Ukraine, issued on 27 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

* Reissued for technical reasons.

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Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on proposals for constitutional change in Ukraine issued on 27 January 2004 by the Presidency on behalf of the European Union

In the context of the run-up to Presidential elections in Ukraine, the European Union expresses its deep concern about the events which occurred on 24 December 2003 in the Ukrainian Parliament (Verkhovna Rada) in relation to the first reading of a set of major constitutional amendments.

While the European Union acknowledges Ukraine's sovereign right to modify its institutional framework within the procedures laid down by its constitution, it is concerned that, under present political circumstances, the proposals for constitutional change will have an adverse impact on the trust and confidence of voters in relation to representative democracy in Ukraine, particularly in this election year. The legitimacy of constitutional change should be derived from genuine public support for its aims.

The European Union, which wishes to develop its relationship with Ukraine, will follow closely developments in this matter at the upcoming (fifth) session of the Verkhovna Rada.

As the European Union clearly underlined at the EU-Ukraine Summit in Yalta on 7 October 2003, the European Union believes that it is essential that the Presidential elections be conducted in a manner which is genuinely free, fair and transparent. In this context, the European Union believes that any debate on constitutional changes aimed at changing the procedures to elect the President should take place separately from the elections.

The European Union encourages Ukraine to respond positively to the offer of the European Commission for Democracy through Law (Venice Commission) for further cooperation in the field of constitutional reform.

The Union will carefully observe the conditions in which the Presidential electoral campaign is held and the manner in which the election itself is conducted.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria and Romania, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.